

EXH 9

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**FAX TRANSMISSION**

**DATE:** 1-12-98  
**FAX SENT TO:** Jeff Ramirez  
**COMPANY:** KALW  
**FAX #:** 415-841-4125  
**TELEPHONE #:** 4121 X 3008  
**# OF PAGES:** 5 (INCLUDING COVER SHEET)  
**MESSAGE:** This is privileged & confidential.  
FOR MR. RAMIREZ ONLY.

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**ATTORNEY-CLIENT COMMUNICATION**  
**PRIVILEGED AND CONFIDENTIAL**

**MEMORANDUM**

Federal Communications Commission	
Docket No. <u>04-19</u>	Exhibit No. <u>9</u>
Presented by <u>ETB</u>	
Disposition	Identified <u>5/26/05</u>
	Received <u>5/26/05</u>
	Rejected _____
Reporter <u>2 Jf/dcl</u>	
Date <u>5/26/05</u>	

**TO:** Jeff Ramirez, Station Manager  
KALW(FM)

**FROM:** Susan Jenkins  
Law Office of Ernest T. Sanchez

**DATE:** 1/12/98

**SUBJECT:** Response to Petition to Deny: fact-gathering for your declaration and other declarations

Rather than create a draft of your affidavit, as I thought I might when we last spoke, I have put together this memo regarding the issues that we need to cover in declarations, whether you, Enrique, Waldemar Rojas, or someone else attests to the facts we will put forward in our response. Please review this and we can go over it during our telephone call later today.

We need to identify each of these people (job title, full or part time or volunteer; presently employed or not, any problems you or others have had with them, info re whether they belong to GGPR, minority or not):

Jason Lopez

Deirdre Kennedy

Michael Johnson (Exh. B, Declaration re lack of eeo notices posted - no docs attached)

Dave Evans (Exh. C, Declaration re public insp. file "a mess"; EEO and ownership reports not filed, and "EEO Program was out of date", whatever this means)

Susan Hecht (Exh. D, plus Exh. E document) (Query- did he give the list back to her? How did she get it?)

Mel Baker (Exh. F - hearsay testimony re provisional employees and independent contractors -- the point being that the contracts should have been filed with FCC. Should they? Were they? If filed with FCC, why not in public file?)

Joann Mar (Exh. H - did not see notices posted; did not see ads or listings for jobs; not encouraged to apply for and not notified re jobs)

Joseph Hughes (Exh I - first saw "EEO employer" notice on 9/10/97; never saw notice re right to notify state or fed agency).

Jason Lopez (Exh. Y) - re lack of programs/issues list as of July 28, 1997

Hedy Jacobson (Exh. CC) re having been interviewed by an attorney re sexual harassment complaint against Jerry Jacob - our answer: "So what?"

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2. Exhs. G, J through X, Z, AA, BB - not supported by an affidavit or Declaration of a person with personal knowledge thereof. Attack on that basis.
3. Exh. K - ltr from E.E.Palacios to applicants for gen mgr job - HOW DID THEY GET THIS?
4. Exh. M - Notice to Ana Perez - HOW DID THEY GET THIS?
5. Exh. N - Separation Report for William Helgeson - HOW DID THEY GET THIS?
6. Exh. AA - Board Resolution Request form - HOW DID THEY GET THIS?
7. They failed to plead or support w/affidavit or declaration or even to make any allegations that they are a party in interest so should be dismissed/stricken.
8. We need the following declarations:

A. Jeff Ramirez - subject areas:

1. e-mail (privacy expectation, password, not printed out, must have been taken from computer)  
We need an affidavit from Jeff and one from Michael Moon also. Will Moon give us one?
2. Other documents (K, M, N, AA): none of these employees/volunteers is authorized to have these documents (discuss with Jeff where the documents would have been filed and how they could have obtained them)
3. Disgruntlement issues
4. Did he assist Rojas in preparing renewal for signature?
5. What was represented to Rojas re the truth of the responses in renewal?

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6. Denials/responses re Michael Johnson aff:
  - what is his position?
  - posted notice re KALW/SFUSD is an EEO employer
  - posted notice re employees' right to notify state or fed agency
  - notices re specific jobs (who can respond on these - Enrique for some and Jeff for some)
  - what is Johnson's job title? Is he any good? Is he a troublemaker?
  - not "notified or encouraged to apply for positions of greater responsibility for which he was qualified" WAS HE QUALIFIED?
  - allegations re meeting and discussion with Jeff re Ana Perez. What did he say and what did you say? What could he mean by "vague answer"? He claims JR told him "Youth Program Manager hire not done properly".
7. Denials/responses re Dave Evans:
  - mtg in last week of Aug. 1996 to discuss problems?
  - did he tell you public inspection file was a mess and needed your immediate attention. Did he tell you that Ownership reports and quarterly issues reports hadn't been filed? Did he tell you EEO program was "out of date"?
8. Denials/reponses re Susan Hecht:
  - is she still there as a volunteer? Why?
  - Did you ask her to review the public inspection files for license renewal purposes? Did she provide you with a written response? Was it Exh. E? Was she authorized to keep a copy? Where did you file your copy?
9. Denials/responses re Mel Baker:
  - what is his position?
  - go over his affidavit, which seems to be hearsay, not personal knowledge, except for lack of three contracts in the public inspection file.
10. Where are annual financial reports to CPB filed? Are they public documents? Do any of these employees have the right to access or copy them?

11. Denials/responses re Joann Mar:
  - what is her position?
  - did not see any notice posted re KALW as EEO employer or re right to notify state or fed agency or notices or ads re several jobs
  - not notified or encouraged to apply for jobs of greater responsibility
12. Denials/responses re Joe Hughes
  - what is his job?
  - first saw EEO notice on 9/19/97 but never saw notice re state or fed agency.
13. Denials/responses re Jason Lopez?
  - what is his job?
  - what about programs/issues list before July 28, 1997
14. Denials/responses re Hedy Jacobson?
  - what is her job?
  - (Talk to him re Jerry Jacob matter -- was there a lawsuit? who was the attorney who interviewed her?)
15. Ownership reports: what does he know about these allegations?
  - not properly maintained
  - Evans told him not properly maintained
  - what did he tell Rojas re this? [ROJAS DECL]
16. Issue/program reports
  - what response to allegations (pp. 4 - 5) [ROJAS DEC.]
17. Donor lists
  - what response? [ROJAS DEC]
18. EEO ALLEGATIONS: (pp. 5 - 12)
  - a. POSTING NOTICE RE KALW IS AN EEO EMPLOYER
  - b. POSTING NOTICE RE RIGHT TO NOTIFY STATE OR FED AGENCY
  - c. Dissemination of EEO policy to prospective employees
  - d. Cooperation with union
  - f. EEO notice in ads
  - g. encouraging minority employees to qualify and apply

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- B. Other affidavits: W. Rojas, E.E. Palacios?, Michael Moon
- C. Do we need an affidavit from Dan Kelly re "failure to respond" to notification in September of "EEO problems"

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